

**FILED**

**January 21, 2015**

**Clerk, U.S. Bankruptcy Court**

IT IS ORDERED AND NOTICE IS GIVEN that unless within 23 days of the date in the FILED stamp above an interested party BOTH: (1) files a written objection to the Motion below, SETTING FORTH the specific grounds for such objection, with the Clerk of Court (i.e., if the 5-digit portion of the Case No. begins with 3 or 4, at 1001 SW 5th Ave. #700, Portland OR 97204; OR, if it begins with a 6 or 7, at 405 E 8th Ave #2600, Eugene OR 97401), AND (2) serves a copy on the movant and any attorney for the movant at the service address(es) below, the movant will thereafter settle and compromise the matter upon the terms below and the settlement will be deemed approved without further order.

Thomas M Ren

THOMAS M. RENN  
U.S. Bankruptcy Judge

## UNITED STATES BANKRUPTCY COURT

## DISTRICT OF OREGON

In re  
Berjac of Oregon,  
  
Debtor(s)  
  
Thomas A. Huntsberger, Trustee,  
  
Plaintiff(s)  
  
v.  
Hutchinson, Cox, Coons, Orr & Sherlock P.C. 401K Profit Sharing Plan,  
  
Defendant(s)

)  
)  
)  
)  
)  
) Case No. 12-63884-tmr7  
)  
) Adv. Proc. No. 14-06132-tmr  
)  
) MOTION AND NOTICE OF INTENT  
) TO SETTLE AND COMPROMISE  
) ADVERSARY PROCEEDING,  
) **AND ORDER THEREON**  
)  
)  
)

The undersigned trustee, Thomas A. Huntsberger, moves to settle and compromise the above adversary proceeding upon the following terms:

1. The Trustee sued the above-named investor preference defendant for alleged preferential transfers totalling \$34,491.84. The defendant provided evidence of defenses that among other issues, reduced the preference exposure to \$24,711.74. The above-named investor preference defendant has agreed to settle and compromise the Trustee's preference claims by paying sixty percent (60%) (\$14,827.04) (the "Settlement") of the amount of the reduced preference exposure (\$24,711.74) and waiving its right to an add-on claim under Section 502(h). Upon payment of the settlement amount, the Adversary Proceeding(s) will be dismissed against this Defendant with prejudice and without costs to any party. Payment of the settlement amount is due to the Trustee within 30 days of the Court's approval of this settlement. The Trustee believes this settlement is in the best interest of the estate because it will conserve professional fees and expenses.

2. Trustee to file with the Court the attached Motion and Notice of Intent to Settle and Compromise Adversary Proceeding and Order Thereon.

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DATE: 1/16/15

/s/Brent G. Summers

Trustee

Service Address: 870 W. Centennial Blvd.

Springfield, OR 97477

Name of Attorney for Trustee: Brent G. Summers, OSB No. 824060

Service Address: 2501 SW First Avenue, Suite 390

Portland, OR 97201